IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 10.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.2262 of 2001

V.Gopalakrishnan ... Appellant (Petitioner in WP.No.3076/95)

Vs.

1.The Hindustan Petroleum Corporation,
rep. By its General Manager,
Egmore, Chennai-600 008.

2.The Chief Regional Manager,
Hindustan Petroleum Corporation,
Chennai-600 008.

3.K.Kalyanasundaram .. Respondents (Respondents in do)

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 17.07.2001 made in W.P.No.3076 of 1995 presented under Article 226 of the Constitution of India to issue a Writ or Mandamus for bearing the respondents 1 and 2 from permitting the third respondent from installing Commissioning and operating the Hindustan Petroleum Corporation Retail Outlet at Keertapalayam, South Arcot, Vallalar District.

For Appellant : Mr.R.Balasubramaniam
For respondents : No appearance

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The writ appeal is directed against the order of the learned single Judge dated 17.07.2001 made in W.P.No.3076 of 1995, in and by which, the learned single Judge has dismissed the writ petition filed by the petitioner in respect of commissioning retail outlet on behalf of the Hindustan Petroleum Corporation, Madras.

2. It is seen from the affidavit filed in support of the writ petition that the third respondent applied for dealership for locating the retail outlet at Bhuvanagiri as per the advertisement/notification

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issued by respondents 1 and 2. It is the grievance of the petitioner that the location was changed and the outlet had been located in Keerapalayam village, which is 2k.m., away from Bhuvanagiri. According to the petitioner, respondents 1 and 2 are authorised to have their retail outlet for their dealers only at Bhuvanagiri or within Bhuvanagiri Town and they cannot shift the location.

3. Before the learned single Judge, it was pointed out by respondents 1 and 2 that though in the advertisement, the outlet had been mentioned as Bhuvanagiri, the second respondent viz., The Chief Regional Manager, Hindustan Petroleum Corporation, Chennai-600 008, has made a representation that the outlet can be situated at Keerapalayam, since the outlet is an earmarked one for the Highway. It is also seen from the statement of respondents 1 and 2 that in Bhuvanagiri, no suitable place is available within the limits and as such the outlet can be situated at Keerapalayam, which falls within Bhuvanagiri revenue jurisdiction as well as police limits. It was pointed out by respondents 1 and 2 that the distance between Bhuvanagiri and Keerapalayam village is only 2 k.m., and by this shifting, no prejudice will be caused to any one including the petitioner. It is brought to our notice that based on the recommendation of the second respondent, the outlet was installed at Keerapalayam village and the same is functioning from 16.03.1994.

4. The learned single Judge has considered the stand taken by the writ petitioner as well as the decision of the second respondent in locating the retail outlet at Keerapalayam village. The particulars furnished by respondents 1 and 2 before the learned single Judge show that Keerapalayam village is hardly 2 k.m., away from Bhavanagiri and also falls within Bhuvanagiri revenue jurisdiction as well as police limits. It is also seen that the intention to locate the retail outlet initially at Bhavanagiri, as notified in the newspaper, was to help the persons residing in and around Bhuvanagiri. In view of the fact that no suitable place is available as claimed from the recommendation of the second respondent, the decision of the second respondent to locate the outlet at Keerapalayam village, which comes within 2 k.ms. from Bhuvanagiri and also falls within the Bhuvanigiri revenue jurisdiction and police station, cannot be faulted with.

5. Apart from the above factual information and conclusion, it is not in dispute that the petitioner/appellant has not applied for the said outlet. In other words, he is not a contesting applicant and not an aggrieved person. It is not the case of the petitioner that he has filed the writ petition on behalf of the villagers or benefit of the said villagers by way of Public Interest Litigation.

6. Based on the materials placed by respondents 1 and 2, the learned single Judge has concluded that the change of location is not at the instance of the third respondent viz., selected dealer, but due to various reasons by the second respondent.

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7. Considering all these factual details and of the fact that the outlet was installed at Keerapalayam village and the same has been functioning from 16.03.1994 and also taking note of the fact that the petitioner/appellant has not applied for the said outlet, we do not find any valid ground to interfere with the order of the learned single Judge, particularly, at this juncture. Consequently, the writ appeal fails and the same is dismissed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The General Manager,
The Hindutan Petroleum Corporation,
Egmore, Chennai - 8.

2. The Chief Regional Manager,
Hindustan Petroleum Corporation,
Chennai - 8.

W.A.No.2262 of 2001

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